

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:08CV
)	
2002 DODGE RAM 1500 PICKUP,)	VERIFIED COMPLAINT
VIN 3D7HU18N12G156131,)	FOR FORFEITURE
)	
Defendant.)	

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

1. The Court has jurisdiction of this matter pursuant to Title 28, United States Code, Sections 1345, 1355 and 1395, and pursuant to Title 21, United States Code, Section 881.
2. The defendant is a 2002 Dodge Ram 1500 Pickup, VIN 3D7HU18N12G156131.
3. The defendant property is now and will be during the pendency of this action in the judicial district of the State of Nebraska.
4. On or about March 6, 2008, the Defendant property was seized in Sarpy County, Nebraska by troopers of the Nebraska State Patrol; the property is currently held by the United States Marshals Service. Immediately after said seizure, administrative forfeiture proceedings were instituted by the United States Drug Enforcement Administration.
5. Gabriel Vargas-Vegas is the registered title holder of the defendant property.

6. Gabriel Vargas-Vegas has filed a Claim for ownership, pertaining to said defendant property, with the United States Drug Enforcement Administration.

7. Cocaine is a controlled substance pursuant to Title 21, United States Code, Section 812.

8. On March 6, 2008, Gabriel Vargas-Vegas was in possession of the Defendant property, as proceeds traceable to the exchange of a controlled substance, or alternatively, the Defendant property was used or was intended to be used to facilitate the transportation, sale, receipt, possession, concealment or distribution of a controlled substance, as more particularly described as follows:

- a. On March 6, 2008, the Commercial Interdiction Unit of the Nebraska State Patrol was conducting routine surveillance at a gas station at the I-80 and Highway 50 Interchange when they observed a silver 2002 Dodge Ram pickup, a white 1997 Dodge Ram pickup and a white 1997 Chevrolet C1500 pickup enter the gas station. Each vehicle had only one occupant and they appeared to be traveling together. The 2002 Dodge Ram pickup was driven by Gustavo Escalante-Martinez and registered to Gabriel Vargas-Vegas. The 1997 Dodge Ram pickup was driven by Gabriel Vargas-Vegas and registered to Gustavo Escalante-Martinez. The 1997 Chevrolet C1500 pickup was drive by Jose Lopez-Perez and registered to Gabriel Vargas-Vegas.
- b. The investigators observed *Messrs.* Escalante-Martinez, Gabriel Vargas-Vegas and Lopez-Perez conversing with one another as they pumped gas. The men were overheard speaking English to the attendant as Mr. Escalante-Martinez paid for the gas for all three vehicles in one transaction. Investigators approached the men and engaged them individually in casual

conversation. Mr. Vargas-Vegas began sweating on his forehead, shuffled his feet and was unable to provide answers to simple travel questions. Mr. Vargas-Vegas' nervousness increased throughout the conversation. Mr. Vargas-Vegas said he was going to visit his mother in Denver and Mr. Escalante-Martinez and Mr. Lopez-Perez were following him.

- c. After granting consent to search the 1997 Dodge Ram pickup, a cooler was located with food items and water, but no ice. The investigators observed tooling on the side walls of the cooler. After removing the liner, duct-taped bundles of U.S. currency totaling \$18,700 were located in the bottom of the cooler. A \$5 bill with one gram of cocaine was also located in this vehicle. Mr. Vargas-Vegas confessed to having cocaine in the vehicle and claimed the money as his.
- d. Mr. Lopez-Perez immediately became very nervous and started breathing heavily. Mr. Lopez-Perez tried to explain he did not speak English, but the investigator told him he had just heard him speaking English to the attendant. After receiving consent to search the 1997 Chevrolet C1500 pickup, a handgun was located in the bottom of a cooler.
- e. Mr. Escalante-Martinez also started breathing heavily and fidgeting as he spoke with investigators. Mr. Escalante-Martinez only knew the driver of the 1997 Chevrolet as "Jose", but did not know Jose's last name. After receiving consent to search the 2002 Dodge pickup, the investigator noticed an overwhelming odor of air freshener emitting from within the vehicle. A

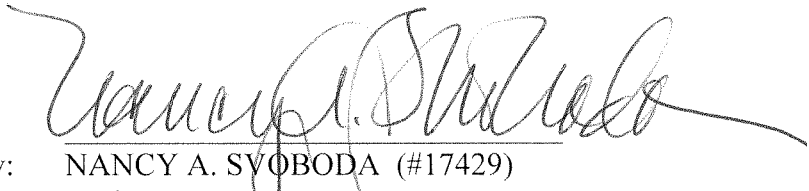
plastic bag containing approximately ten grams of cocaine was found in the vehicle. Located in the side walls of a cooler was \$61,300. A drug canine indicated to the odor of narcotics on the \$61,300 and \$18,700.

9. Based on the foregoing, the defendant property was used or was intended to be used to commit or facilitate the commission of violations of Title 21, United States Code, Sections 841(a)(1) and 844. The defendant property is therefore subject to forfeiture to the United States of America, pursuant to Title 21, United States Code, Section 881(a)(4), and no other property rights should exist in it.

WHEREFORE, the plaintiff, United States of America, prays the defendant property be proceeded against for forfeiture in accordance with the laws and regulations of the rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulation; that the costs of this action be assessed against the defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,
Plaintiff

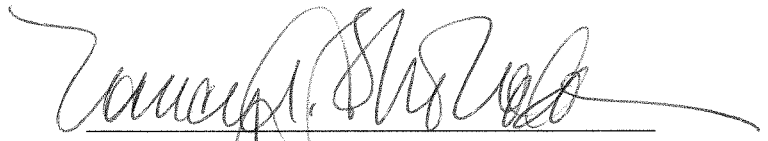
JOE W. STECHER
United States Attorney


By: NANCY A. SVOBODA (#17429)
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VERIFICATION

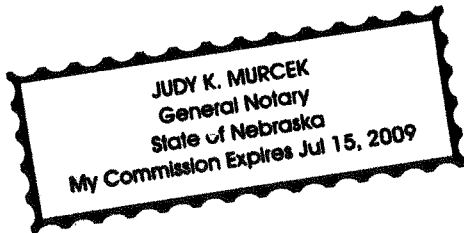
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

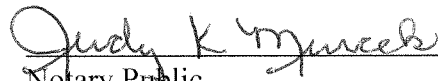
Pursuant to Rule C(2), Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, Assistant United States Attorney for the District of Nebraska, Nancy A. Svoboda, being first duly sworn, deposes and states that the facts set forth herein are true and correct according to the best of her knowledge and belief.



NANCY A. SVOBODA
Assistant U.S. Attorney

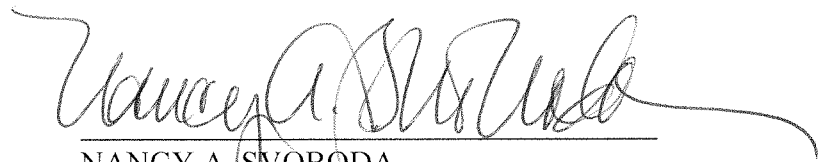
Subscribed and sworn to before me this 12th day of August, 2008.





Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and that it be calendared accordingly.



NANCY A. SVOBODA
Assistant U.S. Attorney